

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

September 22, 2021

MOTOR CARRIER MATTER

☐

DOCKET NO.

2020-263-E

UTILITIES MATTER

☒

ORDER NO.

SUBJECT:

DOCKET NO. 2020-263-E - Cherokee County Cogeneration Partners, LLC,
Complainant/Petitioner v. Duke Energy Progress, LLC and Duke Energy Carolinas, LLC,
Defendant/Respondent - Staff Presents for Commission Consideration Duke Energy Progress,
 LLC and Duke Energy Carolinas, LLC's Petition for Reconsideration of Commission Order No.
 2021-604.

COMMISSION ACTION:

"I move that the Commission deny the Motions for Reconsideration and/or Rehearing filed by Cherokee County Cogeneration Partners, LLC and such motion filed by Duke Energy Progress, LLC and Duke Energy Carolinas, LLC to Commission Order No. 2021-604.

Although the parties did not specifically make a request for clarification in their motions, it appears that further clarification by the Commission is warranted in Order No. 2021-604 related to: avoided costs or payments to qualifying facilities (QFs) in connection with a Legally Enforceable Obligation or LEO; the application of PURPA; and other matters in this Docket.

I move that the Commission clarify that the avoided cost rate for Cherokee as of October, 2018, or when the LEO was established as determined by Order No. 2021-604, is the avoided cost rate as provided in Hearing Exhibit No. 14. Hearing Exhibit No. 14 is also known as DEC and DEP's Late Filed Exhibit No. 1 and later as DEC and DEP's Corrected Late Filed Exhibit No. 1. The avoided cost rate is clearly set out and is based upon the evidence in the record from DEC which calculated the avoided cost rate in accordance with the provisions of PURPA and applicable law existing at the time Cherokee established its LEO with DEC.

It is recognized by the Commission that the exact specifics of this docket are unique given that the Federal Energy Regulatory Commission (FERC) made changes for the first time in 2020 after approximately forty (40) years since the Public Utility Regulatory Policies Act or PURPA was enacted. Now there is change in how PURPA will be implemented as a result of FERC Order No. 872 and its clarifying Order No. 872-A. FERC continues to give states discretion in Orders No. 872 and 872-A, even though FERC rules must be followed by state commissions." So moved.

PRESIDING: J. WilliamsSESSION: RegularTIME: 11:00 a.m.

MOTION YES NO OTHER

BELSER

☐☒☐

Present in Hearing Room

CASTON

☐☒☐

Present in Hearing Room

ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
POWERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
THOMAS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Voting via WebEx

Present in Hearing Room

Voting via WebEx

Present in Commission Office, Voting via WebEx

Present in Hearing Room

(SEAL)

RECORDED BY: J. Schmieding

